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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF=4

**Office Action Summary**

Application No.

09/585,009

Applicant(s)

SMITH ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- Th MAILING DATE of this communication app ars on th cover she t with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

Art Unit: 1751

1. This action is responsive to the amendment filed on December 13, 2001.
2. The rejection of claim 5 rejected under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
3. The rejection of claims 1-7, 9-26 under 35 U.S.C. 102(b) as being anticipated by Scepanski (US Patent No. 5,670,473) is withdrawn in view of applicants' amendment.
4. The rejection of claim 8 under 35 U.S.C. 103(a) over Scepanski in view of Lentsch et al. (US Patent No. 6,177,392) is withdrawn in view of applicants' amendment.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 16-26, 29-30 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scepanski.

Scepanski teaches solid a cleaning agent which is homogeneous cast solid comprising at least 15% by weight of hydrated salt like trisodium orthophosphate dodecahydrate; between about 5 and 80% by weight anionic, nonionic surfactant or mixtures thereof; between 0 and 10% by weight of cationic emulsifiers such as isodecyloxypropyl dihydroxyethyl methyl ammonium

Art Unit: 1751

chloride; up to about 10% by weight oxygenated solvents such as ethylene glycol monobutyl ether (which is also known as butoxy ethanol); between 0 and 20% by weight enzymes like protease, amylase, lipase and cellulase enzyme. In Examples 1-5 in Table 2, and Examples 1-3 in Table 3, Scepanski teaches cleaning compositions containing hydrated salt, surfactants and ethylene glycol monobutyl ether (see abstract; col. 8, lines 8-15; claims). Scepanski, however, fails to teach the recited process of making the detergent composition.

It should be noted that the present claims are product-by-process claims, hence any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

7. Claims 1-4, 6-22, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz et al. (US Patent No. 5,674,831), hereinafter "Schulz".

Schulz teaches a process for preparing a homogeneous, urea-based, solid cleaning composition, without the application of heat from an external source (see abstract), the process comprising (a) mixing together in a continuous mixing system at high shear, which is a twin-screw extruder, an effective hardening amount of urea and an effective amount of a cleaning agent, optionally in a minor but effective amount of an aqueous medium, to form a substantially

Art Unit: 1751

homogeneous mixture, (b) discharging the mixture from the mixing system as for example, by casting or extruding, and (c) allowing the mixture to harden to a solid composition (see col. 2, lines 36-45; col. 3, lines 31-32; col. 11, lines 25-55). The cleaning agent is preferably a surfactant or surfactant system (see col. 3, lines 9-10), such as anionic, nonionic or cationic surfactants in amounts from about 30-95 wt% (see col. 6, lines 1-67). Schulz also teaches that the mixture during processing comprises about 2-15 wt% of an aqueous medium and that the composition upon being discharged from the mixture includes about 2-5 wt% water (see col. 5, lines 39-45). The composition may also include about 0.1-70 wt% chelating/sequestering agent such as a condensed phosphate, which may also assist, to a limited extent, in solidification of the composition by fixing the free water present in the composition as water of hydration (see col. 7, lines 12-35). The cleaning composition may also comprise a secondary alkaline source such as sodium silicate or metasilicate and sodium carbonate or bicarbonate in amounts from about 1-30 wt% (see col. 8, lines 50-62), an enzyme such as a protease or an amylase, and the like (see col. 5, lines 63-64) and a bleaching agent capable of liberating active halogen species in an amount from about 0.1-10 wt% (see col. 7, line 58 to col. 8, line 14), which is equivalent to the antimicrobial agent of the present claim 21. Schulz, however, fails to specifically disclose a process for making an extruded or cast detergent comprising a hydrated component and a hydratable component as those recited wherein the mixing of the hydrated and hydratable component is without heating, or a process wherein the mixture further comprises an enzyme.

Art Unit: 1751

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a solid cleaning composition without heating comprising surfactant(s), phosphate, silicate, metasilicate, carbonate or bicarbonate, enzyme and water in their optimum proportions because the teachings of Schulz encompass these steps and ingredients.

8. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolando et al. (US Patent No. 5,474,698), hereinafter "Rolando".

Rolando teaches a method of making a solid, urea-based, solid cleaning composition under ambient processing temperatures, the method comprising (a) mixing in a mixing system, which is a single or twin-screw extruder, an effective hardening amount of urea and an effective amount of a cleaning agent, optionally in a minor but effective amount of an aqueous medium, to form a substantially homogeneous mixture, (b) discharging the mixture from the mixing system as for example, by casting or extruding, and (c) allowing the mixture to harden to a solid composition (see col. 3, lines 20-34; col. 4, lines 35-39; col. 11, lines 21-38). The cleaning agent is preferably a surfactant or surfactant system (see col. 3, lines 9-10), such as anionic, nonionic or cationic surfactants in amounts from about 30-95 wt% (see col. 6, line 36 to col. 7, line 32). Rolando also teaches that the mixture during processing comprises about 2-15 wt% of an aqueous medium and that the composition upon being discharged from the mixture includes about 2-5 wt% water (see col. 9, line 56 to col. 10, line 4). The composition may also include a chelating/sequestering agent such as a condensed phosphate in an amount from about 0.1-70 wt%, which may also assist, to a

Art Unit: 1751

limited extent, in solidification of the composition by fixing the free water present in the composition as water of hydration (see col. 7, line 36 to col. 8, line 1). The cleaning composition may also comprise a secondary alkaline source such as sodium silicate or metasilicate and sodium carbonate or bicarbonate in amounts from about 1-30 wt% (see col. 6, lines 19-32), an effective amount of an enzyme such as a protease or an amylase, and the like (see col. 5, lines 42-48) and a bleaching agent capable of liberating active halogen species in an amount from about 0.1-10 wt% (see col. 8, lines 23-46), which is equivalent to the antimicrobial agent of the present claim 21. Rolando also teaches adding butyl cellusolve (which is butoxy ethanol) into the composition (see col. 13, line 42). Rolando, however, fails to specifically disclose a process for making an extruded or cast detergent comprising a hydrated component and a hydratable component as those recited wherein the mixing of the hydrated and hydratable component is without heating, or a process wherein the mixture further comprises an enzyme or butoxy ethanol.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a solid cleaning composition at ambient temperature comprising surfactant(s), phosphate, silicate, metasilicate, carbonate or bicarbonate, enzyme or butoxy ethanol and water in their optimum proportions because the teachings of Rolando encompass these steps and ingredients.

9. Claims 1-4, 6-22, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz et al. (US Patent No. 6,060,444), hereinafter "Schulz '444".

Art Unit: 1751

Schulz '444 teaches a process for preparing a homogeneous, non-caustic, solid cleaning composition comprising a cleaning agent, detergent adjuvants and additives, as desired, and optionally a hardening agent, in which no or minimal heat is applied from an external source (underlinings supplied, see col. 2, line 64 to col. 3, line 1). The process includes the steps of (a) mixing an effective amount of a cleaning agent in a continuous mixing system at high shear such as a twin -screw extruder, at or below the melting temperature of the cleaning agent, (b) discharging the mixture from the mixing system by casting into a mold or by extruding the mixture and (c) allowing the mixture to harden to a solid composition (see col. 3, lines 6-11; col. 12, line 31+ ). The cleaning agent is preferably a surfactant or surfactant system such as anionic, nonionic or cationic surfactants in amounts from about 30-95 wt% (see col. 5, lines 45-56). Schulz '444 also teaches that the mixture during processing may include about 0.01-15 wt% of an aqueous medium and that the composition upon being discharged from the mixer may contain about 0.01-15 wt% water (see col. 6, lines 45-50). The composition may also include about 0.1-70 wt% chelating/sequestering agent such as a condensed phosphate, which may also assist, to a limited extent, in solidification of the composition by fixing the free water present in the composition as water of hydration (see col. 8, line 49 to col. 9, line 4). The hardening agent may also be a hydratable substance such as anhydrous sodium carbonate or anhydrous sodium sulfate in amounts from about 10-60 wt% (see col. 7, line 66 to col. 8, line 16), an enzyme such as a protease or an amylase, and the like and a bleaching agent such as an active chlorine or active oxygen releasing agent (see col. 5, lines 38-40), which is equivalent to the antimicrobial agent of



Art Unit: 1751

the present claim 21. Schulz '444, however, fails to specifically disclose a process for making an extruded or cast detergent comprising a hydrated component and a hydratable component as those recited wherein the mixing of the hydrated and hydratable component is without heating, or a process wherein the mixture further comprises an enzyme.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a solid cleaning composition without heating comprising surfactant(s), phosphate, silicate, metasilicate, carbonate or bicarbonate, enzyme and water in their optimum proportions because the teachings of Schulz '444 encompass these steps and ingredients.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1751

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

**(703) 872-9311** - for Official After Final faxes

**(703) 872-9310** - for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

March 4, 2002

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751